

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
July 10, 2018 – 5:30 P.M.**

On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe and Bob Cooper.

Chairman Keesee then called for the vote on the minutes from the June 12, 2018, meeting. Commission Sharpe made three amendments. Commissioner Sharpe motioned, seconded by Commissioner Newton to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Fuller Estate- Preliminary Plat- A request by Ron Brixey.

Chairman Keesee introduced item 1. Mr. Wally Bailey read the staff report indicating approval of the proposed preliminary plat would facilitate the development of duplexes on 16 lots (lots 1-11 and lots 13-17) and a multifamily development on lot 12 consisting of 22 small cottages. Mr. Bailey stated that the existing zoning is Residential Multifamily Family Medium Density (RM-3).

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the Preliminary Plat. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Preliminary Plat was approved.

Josh Carson's Resignation

Mr. Wally Bailey stated that Josh Caron turned in his resignation from the Planning Commission and Board of Zoning Adjustment. Mr. Bailey publicly thanked Mr. Carson for his time and service spent with the Commission.

2. Development Plan #7-5-18; A request by Brett Abbott, agent, for Keith Lau, for a development plan approval for a duplex development at 1001, 1011, & 1021 N. 49th Street. (Development Plan sent back to Planning Commission by Board of Directors)

Chairman Keesee introduced item 2. Mr. Wally Bailey read the staff report indicating on May 8, 2018, the Planning Commission approved a development plan for six duplexes (12 dwelling units) for the above-referenced address. The vote was 6 in favor and 2 opposed (Commissioner's Laster and Newton). At the same meeting, the Board of Zoning Adjustment also approved the front-yard setback from 30' to 25', an exterior side-yard setback from 30' to 25' on two corner lots facing Grand Avenue, and from 10,500 s.f. minimum lot size/4 dwellings per acre. The variances facilitate the re-platting of the existing three lots into six (6) individual lots. Mr. Bailey stated that on May 18, 2018, the neighborhood submitted an appeal of the Planning Commission's decision. Mr. Bailey further stated that on June 5, 2018, the Board of Directors considered the appeal. Residents opposed to the development expressed concerns regarding parking, traffic, devaluation of properties, the number of bedrooms in the proposed duplexes, the developer's plan to rent by the room, and concerns that the proposed development was not consistent with the city's definition of duplex. The Board of Directors voted unanimously to refer the development plan back to the Planning Commission to specifically address concerns about parking and other concerns expressed by the residents.

Mr. Bailey stated that a seconded neighborhood meeting was held Monday, June 25, 6:00 p.m. at the Fort Smith main branch of the public library. The meeting was attended by approximately 21 residents. Mr. Bailey stated that at the meeting, the developer proposed several amendments to the development including:

1. The guest parking shall be eliminated to allow for more green space/landscaping. In exchange for taking out the guest parking, "No Parking" signs shall be placed along the street in front of the development.
2. A landscape buffer shall be installed along the front of the property.
3. Trash and recycle cans shall be screened under the stairs in the parking area.
4. No traffic will be able to pass through between 48th and 49th streets to control traffic on each side of the development, eliminating the drive connections from east/west.
5. No multi-tenant leasing allowed- each unit will be under 1 lease.
6. Signage will be installed on the property stating "Tenant Parking Only" to deter guest parking on the property.
7. Occupancy of each unit shall be limited to one person per room or no more than 4 per each side of the duplex within the limits of the law.
8. Drainage of the property shall be designed by an engineer.
9. One unit will be reserved to an on-site manager at a reduced-rent rate in exchange for management services.
10. The developer shall collaborate with the city traffic engineer and a contracted engineering service for a traffic study to look at potential impact on the neighborhood.

Mr. Bailey stated the planning staff received a letter from Roberta Parks at 1116 North 49th with concerns about property values, increased density, traffic, the proposed land use, parking, and quality of life. Mr. Bailey stated the planning staff also received an email from Bob Watkins on North 50th Street, who was not opposed to the project.

Mr. Bailey stated that a traffic statement had been submitted by Hawkins-Weir Engineers which indicated no traffic impacts by its development. Stan Snodgrass, City Engineer, reviewed the report and agreed with the development.

Mr. Bailey, also covered the revised drawings that addressed several issues such as the parking, screening trash cans, and removed the “pass-thru” driveways.

Josh Carson (Fort Smith, AR) was present to represent this application. Mr. Carson stated that the zoning is Residential Single Family-Duplex Low/Medium Density (RSD-2). Mr. Carson stated that Mr. Lau has made several amendments to his development to help with the concerns from the neighboring property owners. Mr. Carson further stated that based on the definition by the UDO (Unified Development Ordinance), Mr. Lau application meets all the requirements for the six duplexes (12 dwelling units) on six individual lots.

Sandy Diamond (1104 N. 49th Street), Cindy Remler (1512 N. 49th Street) and Betina Rowsey (1123 N. 49th Street) stated concerns with the overall vision for their neighborhood. They stated concerns with traffic, increased density, property values and trees being removed that have been there for decades.

Commissioner Cooper asked Mr. Bailey for clarification of the UDO (Unified Development Ordinance) definitions, which Mr. Bailey gave the explanations.

Chairman Keesee called for a motion on the Development Plan. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the Development Plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted by limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The development shall comply with the proposed amendments to its plans and the list of items offered by the developer.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 7 in favor and 1 opposed (Newton). Chairman Keesee announced the Development Plan was approved.

- 3. Rezoning Application #17-7-18; A requested by Crafton Tull & Associates, agent, for ERC Holdings, LLC, for a zone change from not zoned and Residential Single Family High Density (RS-4) to a Planned Zoning District (PZD) at 7701 Wells Lake Road.**
- 4. Pinnacle Park at Chaffee- Preliminary Plat- Lots 1-51, A request by Crafton Tull & Associates.**

Chairman Keesee introduced items 3 and 4. Mr. Wally Bailey read the staff report indicating approval of the rezoning would facilitate the development of 11.65 acres consisting of 51 lots for zero-lot line single-family houses. Mr. Bailey stated the property is located east of McClure Drive with approximately 800' of street frontage on Wells Lake Road and approximately 400' of street frontage on Veterans Avenue. Mr. Bailey stated that a neighborhood meeting was held on Tuesday, July 3, 2018, at 5:30 p.m. at 8101 McClure Drive. No neighboring property owners attended the meeting.

Mr. Bailey read the staff report on item 4, indicating approval of the proposed Preliminary Plat would facilitate the development of single family, zero-lot line homes in a gated subdivision. Mr. Bailey stated that the property is located east of McClure Drive with frontages on Wells Lake Road and Veterans Avenue.

No one was present to speak in favor or opposition of this application.

Connor Threet was present to represent this application.

Chairman Keesee called for a motion on the Rezoning (item 3). Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the Rezoning.

Chairman Keesee called for a vote on the motion to approve the application. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Rezoning was approved.

4. Pinnacle Park at Chaffee- Preliminary Plat- Lots 1-51, A request by Crafton Tull & Associates.

No one was present to speak in favor or opposition of this application.

Conner Threet was present to represent this application.

Chairman Keesee called for a motion on the Preliminary Plat (item 4). Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- Approval by the FCRA/Chaffee Design Review Committee.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Preliminary Plat was approved.

5. Rezoning Application #18-7-18; A request by Crafton Tull & Associates, agent, for Bost Inc. for a zone change from not zoned to Residential Single Family Medium/High Density (RS-3) at 8001 Wells Lake Road.

6. Lakeside Crossing- Preliminary Plat- Lots 1-60; A request by Crafton Tull & Associates.

Chairman Keesee introduced items 5 and 6. Ms. Maggie Rice read the staff report indicating approval of the rezoning would allow for a 60 lot single family subdivision located between Wells Lake Road and Veterans Avenue. Ms. Rice stated that the subject property is on the east side of Wells Lake Road between Custer Boulevard and McClure Drive. The tract contains an area of approximately 16 acres with approximately 825 feet of street frontage along Wells Lake Road and 825 feet of street frontage on Veterans Avenue. Ms. Rice stated that a neighborhood meeting was held on Tuesday, July 3rd. No neighboring property owners attended the meeting.

Ms. Rice read the staff report on item 6, indicating approval of the proposed Preliminary Plat would facilitate the development of single family homes.

No one was present to speak in favor or opposition of this application.

Connor Threet was present to represent this application.

Chairman Keesee called for a motion on the Rezoning (item 5). Commissioner Taylor moved, seconded by Commissioner Newton, to approve the Rezoning.

Chairman Keesee called for a vote on the motion to approve the Rezoning. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Rezoning was approved.

6. Lakeside Crossing- Preliminary Plat- Lots 1-60; A request by Crafton Tull & Associates.

No one was present to speak in favor or opposition of this application.

Conner Threet was present to represent this application.

Chairman Keesee called for a motion on the Preliminary Plat (item 6). Commissioner Taylor moved, seconded by Commissioner Laster, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- Approval by the FCRA/Chaffee Design Review Committee.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the Preliminary Plat with staff comments. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Preliminary Plat was approved.

7. Conditional Use # 7-7-18; A request by Pamela Tyler, agent, for Bost Inc. for a church at 4401 Yorkshire Drive.

Chairman Keesee introduced item 7. Ms. Maggie Rice read the staff report indicating approval would allow for the existing building and parking lot to be utilized as a church. The existing building was previously a preschool. The applicant stated in the application that landscaping would be added to the existing concrete planters and side of the property. Ms. Rice stated that a neighborhood meeting was held Thursday, July 5, 2018, on site. No neighboring property owners attended the meeting.

No one was present to speak in favor or opposition of this application.

Pamela Tyler was present to represent this application and spoke in support.

Chairman Keesee called for a motion on the Conditional Use. Commissioner Sharpe moved, seconded by Commissioner Newton, to approve the Conditional Use, subject to the following staff comments:

- Contingent upon the church having a maximum occupancy of 40 people unless additional or shared parking is secured.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the Conditional Use with the staff comments. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Conditional Use was approved.

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8. Variance 23-7-18; A request by Diane Davis, owner, for the following variances: 1) from 7.5' to 5.6' interior side-yard setback; 2) from 10' to 6.6' rear-yard setback; and 3) from 10' to 0' minimum distance between structures on the same lot at 3100 Carrington Pointe Road.

Chairman Keesee introduced item 8. Ms. Maggie Rice read the staff report indicating approval would allow the owner to finish and keep the partially installed pool deck. The applicant is also applying for a temporary revocable license to allow the pool deck to remain in the 15' utility easement at the rear of the property. The contractor started building the pool deck without a building permit not knowing a permit was required. Ms. Rice stated that a neighborhood meeting was held Tuesday, June 19, 2018, at 5:30 p.m. on site. Nine neighboring property owners were present at the neighborhood meeting. The neighbors had several questions.

Diane Davis was present to represent this application and spoke in support.

Robert Miller (2608 Carrington Pointe Rd) stated concerns with the violations against the provisions of the Carrington Pointe covenants.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the following Variances, subject to the following staff comments:

- Contingent upon approval of the Temporary Revocable License by the City Board of Directors.

Following the discussion by the board of zoning adjustment, Chairman Keesee called for a vote on the motion to approve the following variances. The vote was 2 in favor (Sharpe & Morris) and 6 opposed (Keesee, Taylor, Wilson, Newton, Laster and Cooper) Chairman Keesee announced the Variances were denied.

There being no further items, the meeting adjourned at approximately 7:30 p.m.